

From: Rick Thompson
To: Microsoft ATR
Date: 1/23/02 9:44pm
Subject: Microsoft Settlement

I am writing to comment on the proposed settlement in the Microsoft anti-trust case. I have serious concerns over both the effectiveness and basic fairness of the proposed remedies.

My principal concern is that the proposed settlement does not adequately restrain Microsoft from using substantially the same monopolistic tactics in the future that they have used in the case at issue:

The practice of using their position to drive smaller companies out of business by giving away equivalents to their product, then incorporating them as a bundle with their operating system, retroactively declaring the new functions as integral to the base product, deliberately intertwining them to make separation difficult, and finally using the "improvements" to justify raising the price on the operating system, is not prevented. True, the specific question of this sort of practice in regards to their web browser is addressed, but that is already a fait accompli, and nothing in the settlement truly stops them from doing the same thing again and again, to others, which they are quite obviously in the process of doing.

Nor is the practice of using their unique power over the operating system to make changes designed solely or primarily to render other companies' products less useful prevented by the proposed settlement. Part and parcel of this is their use of the same unique knowledge and power to make their own products more effective.

Secondarily, I am concerned that the settlement does nothing whatsoever to penalize the company for its prior bad acts -- the very ones detailed at length in the findings of fact. Allowing a monopoly defendant to keep all of its ill-gotten gain, and simply putting weak discouragements against repetition in place goes against the basic principles of justice. This is particularly true with a defendant as determined and contemptuous of the process as Microsoft.

I strongly urge that the proposed settlement be rejected.

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Heathcliff, it's me, your Cathy, come home	Rick Thompson
I'm so cold, let me in your window...	
-- Kate Bush	rickt@rochester.rr.com

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